

MATTER OF SOLIS-BUENDIA
In Deportation Proceedings

A-17303412

Decided by Board February 20, 1970

A dual national of the United States and Mexico at birth who, claiming Mexican nationality, purchased land in Mexico in an area where only Mexicans may acquire title, did not thereby lose his United States citizenship under section 350 of the Immigration and Nationality Act, since there is no evidence of an intent to relinquish United States citizenship nor of the commission of acts in derogation of allegiance to the United States. [*Matter of Prieto-Perez*, 10 I. & N. Dec. 740 (BIA, 1964), superseded.]

CHARGE:

Order: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251(a) (1)]—Excludable at time of entry under section 212(a) (20)—no immigrant visa.

ON BEHALF OF SERVICE: Irving A. Appleman
Appellate Trial Attorney
(Memorandum submitted)

The question is whether respondent's ownership of land in Mexico resulted in his expatriation under section 350 of the Act (8 U.S.C. 1482).

The special inquiry officer terminated proceedings and certified the case to the Board. We held decision in abeyance pending a statement of interpretation by the Attorney General concerning expatriation. The statement was issued on January 23, 1969, 34 Fed. Reg. 1079 (1969). A Service memorandum of law dated June 27, 1969, asks the Board to affirm the special inquiry officer's order of termination. We shall do so.

The respondent, a 39-year-old married male, born in Mexico to United States citizen parents, was a citizen of both the United States and Mexico at birth. Since his parents lived in the United States prior to his birth, no question concerning acquisition and